

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Josh Hafetz	Team: Team # 3	CCRB Case #: 9901398	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 02/12/1999 9:25 PM	Location of Incident: 100 East 21st Street	Precinct: 70	18 Mo. SOL 8/12/2000	EO SOL 8/12/2000	
Date/Time CV Reported Fri, 02/12/1999 10:59 PM	CV Reported At: Precinct	How CV Reported: In-person	Date/Time Received at CCRB Tue, 03/23/1999 4:04 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Steven Ortiz	03511	902895	SS INV

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Timothy Sullivan	06917	907414	ESS 04
2. POM Christop Gately	29753	904008	PBBS TF
3. POM Richard Frisone	21825	906280	070 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Steven Ortiz	Abuse: Steven Ortiz ordered the car stopped in which § 87(2)(b) was the driver	

## Synopsis

§ 87(2)(b) alleged that on February 12, 1999 at approximately 9:25 PM, at 100 East 21<sup>st</sup> Street, Brooklyn, New York, he was pulled over by officers from the 070 Precinct supervised by Sgt Steven Ortiz. The officers wrongfully stopped and wrongfully issued § 87(2)(b) a summons for being double parked. The four officers stated that § 87(2)(b) double- parked his car, got out and approached 100 East 21<sup>st</sup> Street, an apartment building. The officers then approached him, accompanied him back to his vehicle, requested his paperwork and issued him a summons for being double parked. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

## Summary of Complaint

The complainant, § 87(2)(b) alleged that on February 12, 1999, at approximately 9:25 PM, he left a residential parking lot on § 87(2)(b) § 87(2)(b), Brooklyn and was followed by an unmarked police car containing three officers. He proceeded through two intersections and one traffic light. He stopped at the first light, which was red. When it changed to green, § 87(2)(b) proceeded to East 21<sup>st</sup> Street and Church Avenue. There, he stopped for a second red light and after that light turned green, he proceeded halfway down the block, where he was pulled over by the unmarked police car, which had been following him from his original place of departure. Three officers in plain clothes exited the car and asked for his license, registration and insurance. § 87(2)(b) said that he was not sure which of the officers asked for his paperwork and license. He asked the officers why he was being stopped and he believed it was Sgt. Ortiz who stated "Why did you leave your home on § 87(2)(b) in a rush?" § 87(2)(b) said that was not a crime and that he was not in a rush. § 87(2)(b) asked the officers if he had gone through any traffic lights or signs or if he was speeding. One officer, whom he believed to be Sgt. Ortiz, responded "No" and continued to ask for § 87(2)(b)'s driver's license and registration and informed him he would be issued a summons. One of the officers, whom he was unable to identify, asked if the car belonged to him. § 87(2)(b) informed the officers that he needed their shield numbers and names. The officers responded that they needed his paperwork and license to write him a summons for being double-parked.

§ 87(2)(b) stated that he was double-parked because the officers pulled him over. According to § 87(2)(b) he took out his wallet and began looking for his license. He stated that he thought he had an old license on his person but he was looking for his new license. Eventually Sgt. Ortiz said, "Well, just give us your name and date of birth." § 87(2)(b) informed the officers that he was not in a rush and would provide them with a valid license. The officers then requested that he give them the license he thought was the old one. One of the officers then told § 87(2)(b) that "this license expires in the year 2000." § 87(2)(b) responded "Well, I guess that is the valid license". The officers took the license, went back to their vehicle and came back shortly with a double-parking summons. § 87(2)(b) was not sure which officer he gave his paperwork to. PO

Sullivan's name appeared on the summons, so he believed that he was the officer to whom he had given his license.

§ 87(2)(b) told the officers, "You have forgotten something. I need your badge numbers." Officer Sullivan, who handed him the summons, was hesitant in giving him his name and shield number; however, he showed him his shield. § 87(2)(b) looked at it but was unable to copy the number down because he didn't have a pen. § 87(2)(b) continued, "Well, I need all three badge numbers." PO Sullivan stated, "You only need mine." § 87(2)(b) replied, "No, I need all three badge numbers." Sgt. Ortiz, who was standing outside the police vehicle, heard the conversation and came over to § 87(2)(b)'s car and stated, "My name is Sgt. Ortiz. This is my shield number. You can have mine, I ordered him to write you the ticket." § 87(2)(b) recorded Sgt. Ortiz's badge number and went to the 070 Precinct to file a complaint.

### Results of Investigation

§ 87(2)(b) appeared at CCRB on March 18, 1999, to be interviewed regarding a summons he received on Feb 12, 1999, for double-parking. The Subject officer was Sgt. Steven Ortiz who was on routine patrol in an unmarked patrol car # 0605 with PO Tim Sullivan, PO Christopher Gately, and PO Richard Frisone. Sgt. Ortiz ordered the car stop and the issuance of the summons. According to **Sgt. Ortiz** they observed a white Nissan Maxima driving at approximately fifty miles an hour in a thirty miles speed zone. **Sgt. Ortiz** stated it was raining and the street was wet and it appeared suspicious that anyone would be driving so recklessly down an entire block under such hazardous conditions.

**Sgt. Ortiz** stated they followed the car because that type of car is at high risk to be stolen and the night before his team made an arrest for a stolen Nissan Maxima. **Sgt. Ortiz** stated they followed § 87(2)(b) across Church Avenue and East 21<sup>st</sup> Street where the car came to an abrupt stop and § 87(2)(b) exited the car and walked towards 100 East 21<sup>st</sup> street. Sgt. Ortiz stated they drove up and parked behind § 87(2)(b)'s car and PO Gately, PO Sullivan and PO Frisone exited the patrol car and followed § 87(2)(b) and stopped him requesting his paperwork on the vehicle.

The officers then escorted § 87(2)(b) back to his car to allow him to search for his paperwork. Sgt. Ortiz stated he remained in the patrol car to run § 87(2)(b)'s license plate to determine if the vehicle was stolen. **Sgt. Ortiz**, upon verifying that the vehicle was not stolen, exited the patrol car to inform his team members that the car was not stolen. **Sgt. Ortiz** stated that upon arriving at the car, § 87(2)(b) was searching for his license and within a few minutes he presented the license to the officers.

**Sgt. Ortiz** informed § 87(2)(b) that he would be issued a summons for double-parking and instructed PO Sullivan to process the summons. At this time, § 87(2)(b) exited his vehicle and stated "I am not the typical black man you shoot forty one times." There were no reasons for this stop; I want to file a complaint. **Sgt. Ortiz** stated that when § 87(2)(b) received the summons from PO Sullivan, § 87(2)(b) stated he wanted the officer's names and shield numbers. **Sgt. Ortiz** told § 87(2)(b) he was the supervisor of the team and ordered the issuance of the summons and gave § 87(2)(b) his name and shield number. § 87(2)(b) said "you are the

supervisor? This is even better, I will take your name, and I have never lost a CCRB complaint. **Sgt. Ortiz** stated § 87(2)(b) took his name and entered his vehicle and drove off.

**PO Sullivan** stated at the time and date of the incident § 87(2)(b) was speeding and driving recklessly from East 17<sup>th</sup> Street, to East 21<sup>st</sup> Street, crossing double yellow lines under wet and hazardous conditions. **PO Sullivan** stated that due to the manner in which the car was being driven, **PO Sullivan's** entire team suspected the car was stolen.

**PO Sullivan** stated that on 2/11/99, his team made an arrest for a stolen Nissan Maxima. **PO Sullivan** stated the car is listed as a high risk among cars stolen within the confines of the 070 precinct and to their belief the car was stolen so they decided to follow the vehicle. **PO Sullivan** stated that because of the hazardous conditions the vehicle could have been involved in an accident. **PO Sullivan** stated they decided to follow the vehicle and do a license check. However, another car entered the line between the Nissan and the RMP, preventing a clear view of the entire license plate. **PO Sullivan** stated they were able to get the first three numerical digits of the license plate. According to **PO Sullivan** the vehicle that was hindering the view exited at Church Avenue off East 21<sup>st</sup> Street and they were able to finish running the plate. He stated that the car came to an abrupt stop in front of 100 East 21<sup>st</sup> Street. At this time the vehicle's operator, a male black, exited the double-parked car and walked to the front of the building pressing intercoms in an apparent attempt to enter the building. **PO Sullivan** stated their RMP drove up behind § 87(2)(b)'s car and the officers exited the RMP and proceeded to the entrance to confront and question the complainant.

**PO Sullivan** stated he asked § 87(2)(b) if he was the owner of the vehicle and requested his license and paperwork to conduct a vehicle check. **PO Sullivan** stated the officers escorted § 87(2)(b) back to his vehicle and after receiving the paperwork, he proceeded to the RMP to continue running the vehicle's plate. **PO Sullivan** stated that during the time and because of the double-parked car, other motorists started blowing their horns because § 87(2)(b)'s vehicle was blocking traffic. **PO Sullivan** stated that after verifying that the vehicle was not stolen, he returned to § 87(2)(b)'s vehicle and told him "Sir, I am going to warn you for the speeding and reckless driving." However, I will be issuing you a ticket for double parking. **PO Sullivan** stated that § 87(2)(b) stated to him and Sgt. Ortiz that he has never lost a CCRB case. **PO Sullivan** stated § 87(2)(b) made some remarks about the street crime unit, however he could not recall the specifics of what was said. **PO Sullivan** stated § 87(2)(b) requested his name and shield number and he provided the information. **PO Sullivan** stated he issued summons # § 87(2)(b) to § 87(2)(b) and drove away.

**PO Gately** stated that his team observed a white Nissan Maxima speeding and driving erratically and they decided to follow the vehicle to determine the reason for the operator's action. **PO Gately** stated they attempted to run a license check. However, due to weather and traffic conditions they were unable to keep pace with the vehicle. He stated they continued in pursuit and attempted to run the license plate of the vehicle, however, another vehicle entered the lane and obstructed the view. **PO Gately** stated the vehicle came to a stop in the middle of the road at 100 East 21<sup>st</sup> Street and the operator exited and ran towards the entrance of the building. **PO Gately** stated that the RMP drove up behind the vehicle and he believed two officers exited the RMP and followed § 87(2)(b). **PO Gately** recalled exiting the RMP and remaining at the side, because he didn't believe it was necessary for more than two officers to confront § 87(2)(b). **PO Gately** stated that Sgt. Ortiz spoke with § 87(2)(b) but he could not recall where and at what point. **PO Gately** did not recall which officer issued the summons and for what reason. **PO Gately** believed Sgt. Ortiz instructed one of the officers to issue § 87(2)(b) a summons. **PO Gately** stated that upon receiving the summons, § 87(2)(b) stated he knows people at CCRB

and further stated that he has never lost a case there. § 87(2)(b) then accepted the summons and drove off.

**PO Frisone** stated that at the time and place of the occurrence, his team followed a white Nissan Maximum for approximately a block. As the RMP drove up behind the vehicle, the operator exited the car and left the engine running, ran towards the vestibule of 100 east 21<sup>st</sup> Street and began pressing the intercoms of different apartments. **PO Frisone** recalled that two officers exited the RMP and went to the vestibule of the building. **PO Frisone** stated that he believed the officers that confronted § 87(2)(b) were Sgt. Ortiz & PO Sullivan. **PO Frisone** stated he was approximately ten feet away from the officers and § 87(2)(b) and he was unable to hear the conversation. **PO Frisone** stated a summons was issued to § 87(2)(b) for double parking. He stated § 87(2)(b) accepted the summons and told the officers he has never lost a CCRB case and would see them again. § 87(2)(b) was contacted on 2/7/00, in regards to the disposition of the summons and he stated he did not attempt to determine the disposition because he did not receive any further notification.

### Conclusions and Recommendations

#### **Allegation (A): Sgt. Ortiz pulled over § 87(2)(b)**

This allegation stems from § 87(2)(b)'s statement that his vehicle was pulled over on East 21<sup>st</sup> street by Sgt. Ortiz and the three officers with him and then given a double-parking summons once he did pull over. § 87(2)(g)

§ 87(2)(g)

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§ 87(2)(g) the officers followed § 87(2)(b) without flashing their turret lights or otherwise alerting him to their presence in an attempt to verify his license plate and run it through their computer. Two officers, Sgt. Ortiz and PO Sullivan, stated that given § 87(2)(b)'s high rate of speed and the visual interference of another vehicle, it was possible to see only the first three letters of the Maxima's license plate. The officers were thus unable to verify if the car had been reported stolen.

According to the testimony of all four officers, after driving fast in the rain, § 87(2)(b) then double-parked his Maxima outside 100 East 21<sup>st</sup> Street and ran out of his car towards the building located at 100 East 21<sup>st</sup> Street.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g) [Redacted]  
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That § 87(2)(b) [Redacted] received a summons only for double-parking and not for speeding after he had been speeding on wet roads is not a CCRB issue. § 87(2)(g) [Redacted]

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Investigator: \_\_\_\_\_ Date: 5-10-00  
Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_  
Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_  
Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_